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UNCLAS SECTION 01 OF 02 CALCUTTA 000427

SIPDIS

STATE FOR G/TIP SALLY NEUMANN AND MARK TAYLOR
NEW DELHI FOR INL OFFICE AND USAID

E.O. 12958: N/A

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SUBJECT: U.S.-FUNDED NGO TARGETED IN COURT

¶11. SUMMARY. The Indian Supreme Court has issued a notice to the West Bengal Government on a petition alleging that the NGO Sanlaap, in collusion with the police, has been running a racket to exploit minor girls as a means to obtain foreign donor funding, according to an October 28 report in the Hindustan Times. The USG has provided funding to Sanlaap for several years to assist it with rescue and rehabilitation of victims of trafficking. We have strong reason to believe that the case is without merit and has been filed simply as a means to discredit Sanlaap but, given the USG involvement, we will follow developments closely as they develop. END SUMMARY.

¶12. The Calcutta edition of the October 28 Hindustan Times supplement, "HT Kolkata Live," filed a report alleging impropriety on the part of the anti-trafficking NGO, Sanlaap. In discussion with ConGen FSN, the author admitted that he had not researched the facts of the case but was only presenting the allegations raised by the plaintiff in the court case. The case alleges that Sanlaap has been collecting "only beautiful minor girls" in collusion with the police who first accuse "poor and illiterate women" of indulging in prostitution and then use this to remove their daughters from them in order to hand the minor girls over to Sanlaap's custody. The article alleges that Sanlaap receives money from foreign donors based on the number of girls it has in custody. Simla Singh filed the petition claiming that she had been separated from her minor daughter Juhi after the police arrested Singh allegedly in a false case and handed Juhi over to Sanlaap. According to the petition, the home was only intended to have temporary custody for one month, but Juhi was kept at the Sanlaap for over a year in an "uncared" condition and her education discontinued. Other Calcutta dailies also carried the item in lesser detail.

¶13. According to press reports, and confirmed by the police and Sanlaap, Simla Singh and Juhi were picked up from the Calcutta red light district Sonagachi in 2003 by the city police's immoral trafficking section and Simla was charged under Section 373 of the Indian Penal Code for keeping Juhi for the purpose of prostitution. The two were produced before the Additional Chief Metropolitan Magistrate who, in response to petition by Sanlaap, gave the NGO custody of the child. In fact, according to Sanlaap, the police specifically asked the NGO to file this petition as Sanlaap runs a home under the government's "Swadhar" scheme for rescued victims of trafficking. In July 2004, Singh appealed against the order but her plea for restoration of the daughter's custody to the mother (and reportedly that of another woman claiming to be the girl's mother) was turned down. The basis of the refusal was a 1997 Supreme Court ruling that there should be no children in red light areas and that they should be rescued and kept either in a state-run rescue center or in the care of a well-established NGO, such as Sanlaap. Singh then moved the case to the apex court.

¶14. Police contacts say the State Home Secretary, to whom the notice was reportedly issued, has not yet approached them. The Director of Sanlaap also said that she had not yet heard anything directly from the legal authorities. Both said that Singh was not a "simple housewife" as she claimed but rather a married woman living in two rooms inside an "upmarket" brothel (owned by someone else) and dealing in young girls. According to Sanlaap, Singh belongs to the "Agrawali" community (from Rajasthan, Uttar Pradesh, Madhya Pradesh) that culturally practice prostitution. The recent trend, she said, is that they buy almost newborn children and bring them up in their tradition for supply to brothels. The Sanlaap Director acknowledged that Juhi, who is ten years old, had probably not yet been prostituted at the time of her rescue. Sanlaap also has three Agrawali sisters in its care, one of which is the biological daughter of the sex worker from whose premises the three were rescued, while the other two were "adopted." Unlike in Delhi and Mumbai, the Calcutta police never carry out random raids on red light areas to look for minors, but only act with prior information -- an approach that local antitrafficking NGOs, including Sanlaap, have been trying to change.

¶15. COMMENT. The news item is an unresearched story sourced only to the allegations made in the court case. Sanlaap is Calcutta's lead NGO actively pursuing the rescue of minors in the city's red light areas, thereby drawing the ire of those whose income depends on the trafficking and sexual exploitation of children. For these reasons, we believe that the court case is probably without merit and the newspaper story yet another

attempt to inhibit and impede Sanlaap's activities. One element, at least, is completely erroneous: USG funding for Sanlaap has been project based and is not connected directly to the number of girls in Sanlaap's custody. However, while skeptical about the credibility of the allegations against Sanlaap, Post cannot completely rule out the possibility that some parts of the case may have merit, or that the Supreme Court may eventually rule for the plaintiff. In Calcutta, as elsewhere in India, the wheels of justice tend to turn slowly. Given the USG involvement with this organization, we will monitor the case closely and report accordingly.

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